

Carpenter, Katherine

From: Pinellas County Clerk of the Circuit Court and Comptroller
<noreply@mypinellasclerk.org> on behalf of noreply@mypinellasclerk.org
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To: Comments, BCC Agenda

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Live Form

Topic Shell Key/Grand Canal Assessment Resolution

BCC Agenda Date 10-6-2020

Your Stand on the Issue Oppose

Comments

Grand Canal residents have been told by the County's own consultants and USF experts, re-establishing the Dual Inlet Shell Key channel system is the only long term solution recommended to eliminate further sand migration into the Grand Canal. It is a system that has worked flawlessly for more than 60 years without any man-made interaction. That is, of course, until 2014 when the BOCC refused to act on warnings from TVCA residents of the pending closure of the Shell Key North Pass. This pending closure was aided by the state's failure to manage the Shell Key South Pass closure in 1998 when the Preserve was under their management. Hence, the Shell Key Dual Inlet system was at risk of becoming 100% compromised. When the North Pass was allowed to close in 2015 because of the county's inaction, Grand Canal residents now face serious sand migration that could cause complete closure of the South Grand Canal entrance to Tierra Verde within the next few years. This closure would be the direct result of the state and county's failure to perform their fiduciary duties under the law in both incidents. Fortunately, in 2018 the Shell Key South Pass reopened naturally and is bigger and better as result of Hurricane Irma. This occurrence has given the County and State an excellent opportunity to restore the Shell Key Dual Inlet System to its original status quo by reopening the North Pass. APTIM's preliminary numbers and proposed assessment costs have been published by the county in March. According to that report, Grand Canal residents could be facing assessment costs in excess of 7 million dollars if your resolution passes, the reopening of the North Pass option is chosen and no other funding is secured. TVCA appears to have a great deal of optimism the resolution vote on Tuesday is just for "procedural purposes" and that the BOCC will be fair in spreading the cost of this major project. I see the vote as the BOCC preparing for a legal process to hold Grand Canal properties financially responsible through the assessment process regardless if other

financial resources develop. Because of the complexity of the jurisdictions involved, the BOCC may believe the process of securing other funding may be enhanced by such a move while denying any culpability in the root cause of the original problem. TVCA Grand Canal properties are not legally or financially responsible for the County's Shell Key Preserve management. It has been clearly established the County failed in their fiduciary duties and responsibilities clearly outlined under State Shell Key Preserve lease agreement No 4228 and Chapter 90 Sec. 90-3 of the County's Department of Environmental Management's own Parks and Conservation Code of Ordinances. This is the department contractually obligated for the management of the Shell Key Preserve in 2000. The BOCC should have no legal right to assess TVCA members for costs directly resulting from the County's own mismanagement of a leased state owned Preserve property. I therefore strongly oppose any effort by the BOCC to assess TVCA members.

Citizen Name

Bill Bouwmeester

Address

910 Pinellas Bayway South
Tierra Verde, FL 33715
United States

Phone

727-8670900

Email

billbouwmeester@gmail.com